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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Satellite Industry Association Request)
For Amendment of the U.S. Table of)
Frequency Allocations to Designate)
2500-2520/ 2670-2690 MHz Frequency)
Bands for the Mobile-Satellite Service)

RM-9911

To: The Commission

**JOINT REPLY COMMENTS OF THE ASSOCIATION OF AMERICA'S PUBLIC
TELEVISION STATIONS AND THE PUBLIC BROADCASTING SERVICE IN
OPPOSITION**

Pursuant to 47 C.F.R. § 1.405(b), the Association of America's Public Television Stations ("APTS") and the Public Broadcasting Service ("PBS") hereby submit their Reply Comments in the above captioned proceeding.¹

APTS is a nonprofit organization whose members comprise the licensees of nearly all of the nation's 353 noncommercial educational television stations. APTS represents public television stations in legislative and policy matters before the Commission, Congress, and the Executive Branch and engages in planning and research activities on behalf of its members. PBS is a nonprofit membership organization of the licensees of the nation's public television stations. PBS distributes national public television programming and provides other program-related services to the nation's public television stations.

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¹ Comments in both proceedings above were filed on August 28, 2000. Section 1.405(b) of the Commission's rules provides that "Any interested person may file a reply to statements in support of or in opposition to a petition for rulemaking prior to Commission action on the petition but not later than 15 days after the filing of such statement." 47 C.F.R. § 1.405(b).

APTS and PBS respond to the comments filed in opposition to the requested reallocation of a band of twenty 6 MHz “interleaved” television channels allocated in the 2500-2686 MHz spectrum, which is specifically reserved for use by the Instructional Television Fixed Service (“ITFS”). Currently, 59 public television licensees operate 288 ITFS channels. APTS and PBS write to bring a national focus to the problem of reallocating ITFS spectrum, which if accomplished, could threaten the delivery of valuable educational services to communities throughout the nation.

On April 28, 2000, the FCC received a petition for rulemaking filed by the Satellite Industry Association (“SIA”) seeking to reallocate the spectrum at 2500-2520 MHz and 2670-2690 MHz for the mobile satellite service (“MSS”). Shortly afterwards, on June 2, 2000, the United Nations International Telecommunication Union’s World Radiocommunications Conference (WRC-2000) in Istanbul concluded with various agreements to encourage the development of international mobile telecommunications (“IMT-2000”). The WRC-2000 concluded that while national agencies could consider reallocating the 2500-2690 MHz band for mobile telecommunications, these national agencies would not be precluded from using the band for any purposes to which the band is currently allocated.²

SIA has claimed that reallocation is in the public interest, because its members need the additional spectrum. It has claimed, further, that the 1992 World Administrative Radio Conference (WARC-1992) adopted an allocation for MSS at 2500-2520MHz and 2670-2690MHz, effective January 1, 2005. To allow potential MSS operators to construct and launch

² See www.itu.int/newsroom/wrc2000/IMT-2000/2500-2690.html; and www.itu.int/newsroom/wrc2000/IMT-2000/res-COM5-24.html.

their satellite systems by 2005, SIA petitioned the FCC to begin the reallocation process immediately.³

The SIA petition was filed prior to the WRC-2000 decision, which allows the Commission the flexibility to continue use of the band by the existing services. The SIA petition displayed absolutely no recognition that ITFS is currently allocated to the band it wishes to have reallocated. In fact, the 2500-2520 MHz band constitutes ITFS channels A1, B2, A2 and part of B2. The spectrum at 2670-2690 MHz constitutes part of ITFS channel G3, all of ITFS channel G4, all of channel H3 of the Multichannel Multipoint Distribution Service, and the I band of 125 KHz ITFS and MMDS response channels.⁴

After the SIA petition was put on public notice, thirty-three comments were filed, the vast majority of which opposed the petition, with only four in support. The comments opposing the petition generally highlight how ITFS (and the Multipoint Distribution Services which lease spectrum from ITFS licensees for broadband two-way services) currently occupy the spectrum in question. These comments highlighted the harm that would befall the public if this spectrum were reallocated, explained how the ITFS leasing arrangements provide broadband service to rural and underserved areas, and demonstrated how this current service is superior to the speculative and economically uncertain MSS service.⁵

APTS and PBS support the comments in opposition to the SIA petition. The public television community uses ITFS to foster education in a variety of innovative ways. Public television stations use their ITFS facilities to deliver educational programming and services to

³ See Petition for Rulemaking, Satellite Industry Association, RM-9911 (April 28, 2000), pp. 2,8.

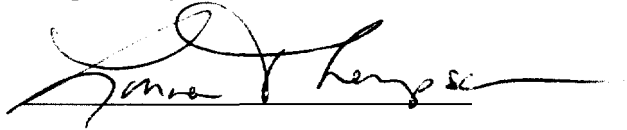
⁴ Comments of National ITFS Association, RM-9911, (August 28, 2000) p. 2.

⁵ See e.g. Comments of the National ITFS Association, RM-9911 (August 28, 2000), Comments of Alliance for Higher Education, et. al., RM-9911 (August 28, 2000), and Comments of the Arizona Board of Regents for Arizona State University, et. al., RM-9911 (August 28, 2000).

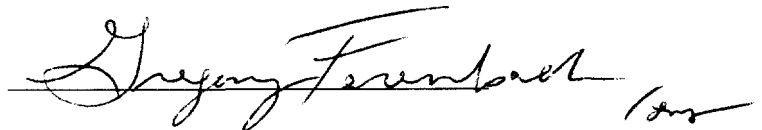
schools, hospitals, workplaces and other places of learning. Students in rural areas, where small populations limit class offerings, receive advanced classes through ITFS distance learning courses. With ITFS facilities, public television stations provide valuable classroom programming and supplemental lesson materials to schools, as well as providing professional and worker training and teleconferences for educational and other administrative uses.

Accordingly, for the reasons articulated by those opposed, and in furtherance of the educational ITFS initiatives of public television, APTS and PBS support the oppositions filed in this proceeding and urge the Commission to dismiss the SIA petition.

Respectfully submitted,



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CERTIFICATE OF SERVICE


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